

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF SUSIE M.  
ROZIER IN THE AMOUNT OF \$2,763.97  
AGAINST THE CITY OF ATLANTA**

00- *R* -1813

**WHEREAS**, SUSIE M. ROZIER, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

**WHEREAS**, the damage to SUSIE M. ROZIER'S vehicle occurred when she drove over a metal plate that was not properly secured to the roadway; and

**WHEREAS**, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

**WHEREAS**, the claimant has asserted damages in the amount of \$2,763.97 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of SUSIE M. ROZIER, be settled for the sum of \$2,763.97.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,763.97 be paid by the City of Atlanta to SUSIE M. ROZIER, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about August 3, 2000, at Pryor Street, SW & Mitchell Street, SW and that the City Attorney prepare appropriate releases.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0589

Date: November 2, 2000

Claimant /Victim SUSIE M. ROZIER  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 85 Mt. Zion Road, #119, Atlanta, Georgia 30354  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,763.97 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 9/25/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) X  
Date of Occurrence 8/3/00 Place: Pryor Street, SW & Mitchell Street, SW  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over a sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

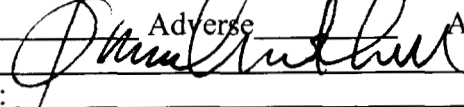
BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,763.97 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 11-22-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 9-22-00

ENTERED - 9-28-00 - SB  
00L0589 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2763.97 property and/or \$ — bodily injury for which I contend the City is liable.

1. Date of incident: 8 3-00 2. Time of Incident: 630 Am 3. Police called: Yes ☒ No

4. Location of incident (including street address): Intersection of Pryor + Mitchell

5. Name of your insurance company: Allstate Policy No. 095258953

6. State what and how incident occurred: Driving on Pryor Street, At the intersection of Pryor + Mitchell Hole + Hole cover In middle of street bottom of my car hit Hole cover + damaged Car as enclosed. Wrecker had to pick up from traffic Court (Place of employment).

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Mercedes 90 684 NEJ Susie Rozier  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: NIA  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: NONE  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Susie M. Rozier  
Signature of Claimant

Susie M. Rozier  
(Print Claimant's Name)

85 MT Zion Rd #119  
(Address)

Atlanta Georgia 30354  
(City, State and Zip Code)

4-658-7716 4-361-0827  
(Work Number) (Home Number)

## GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0589

\$ 2,763.99

IN CONSIDERATION of the sum of TWENTY-SEVEN HUNDRED AND SIXTY-THREE 99/100  
           DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of a vehicular incident  
which occurred on or about the 3rd day of August, 2000,  
at or near Pryor and Mitchell Street.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 30<sup>th</sup> day of Oct, 20 00.

Susie M. Rozier (LS)  
SUSIE M. ROZIER

The above release was read and explained to, and signed by the said Susie M. Rozier

in our presence on the date above written.

Plain G. Wright  
Suzanne & Kelly  
WITNESSES